

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH

ERIC X. RAMBERT,
Plaintiff,

vs.

JOHN E. WETZEL, SECRETARY; SHEILA
MOORE-SMEAL, DEPUTY SECRETARY;
SCOTT A. NICHALSON, DEPUTY
WARDEN; W. TIFT, CO IV; S. DOE, CO
V; ART LNU, UNIT MANAGER;
ANKRON, UNIT COUNSELOR; SGT.
HAINES, C.O. 1 MILLER, JOHN DOE,
C.O. 1; AND NEDRA GREGO,
CORRECTIONS HEALTH CARE ADMIN.;

Defendants.

Civil Action No. 18-38

District Judge Nora Barry Fischer
Magistrate Judge Lisa Pupo Lenihan

MEMORANDUM ORDER

Plaintiff Eric X. Rambert initiated this action on January 9, 2018 by submission of a civil rights complaint and a motion for leave to proceed *in forma pauperis* (“IFP”), (Docket No. 1), and the case was assigned to United States Magistrate Judge Lisa Pupo Lenihan for review in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

On January 19, 2018, the Magistrate Judge issued a Report and Recommendation wherein she recommended Plaintiff’s IFP motion be denied in accordance with 28 U.S.C. § 1915(g). (Docket No. 2). The Magistrate Judge determined that Plaintiff had incurred three or more “strikes,” and, therefore, pursuant to the dictates of 28 U.S.C. § 1915(g), he cannot proceed *in forma papueris*. She also determined that Plaintiff had not met the threshold showing of imminent danger of serious physical injury in order to avail himself of the “imminent danger” exception to

§ 1915(g). It was therefore recommended that this action be dismissed without prejudice and reopened when Plaintiff paid the full \$400.00 filing fee. *Id.* Plaintiff was informed that he had until February 5, 2018 to file objections to the Report and Recommendation, but, as of today, no objections have been filed. Therefore, upon an independent review of the record and consideration of the Magistrate Judge's Report and Recommendation, the following Order is entered.

AND NOW, this 9th day of February, 2018,

IT IS HEREBY ORDERED that Plaintiff's IFP motion (ECF No. 1) is hereby denied in accordance with 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that this case is dismissed without prejudice to Plaintiff's right to reopen it by paying the full \$400.00 filing fee.

IT IS FURTHER ORDERED that the Magistrate Judge's Report and Recommendation (ECF No. 2) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

/s/ Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: Eric X. Rambert
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